

H. Res. 240

In the House of Representatives, U.S.,

April 27, 2005.

Resolved, That clause 3 of rule XI of the Rules of the House of Representatives (relating to the Committee on Standards of Official Conduct) is amended as follows:

(1) Subparagraph (2) of paragraph (b) is amended to read as follows:

“(2) Except in the case of an investigation undertaken by the committee on its own initiative, the committee may undertake an investigation relating to the official conduct of an individual Member, Delegate, Resident Commissioner, officer, or employee of the House only—

“(A) upon receipt of information offered as a complaint, in writing and under oath, from a Member, Delegate, or Resident Commissioner and transmitted to the committee by such Member, Delegate, or Resident Commissioner; or

“(B) upon receipt of information offered as a complaint, in writing and under oath, from a person not a Member, Delegate, or Resident Commissioner provided

that a Member, Delegate, or Resident Commissioner certifies in writing to the committee that he believes the information is submitted in good faith and warrants the review and consideration of the committee.

If a complaint is not disposed of within the applicable periods set forth in the rules of the Committee on Standards of Official Conduct, the chairman and ranking minority member shall establish jointly an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if at any time during those periods either the chairman or ranking minority member places on the agenda the issue of whether to establish an investigative subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.”.

(2) Paragraph (k) is amended to read as follows:

“Duties of chairman and ranking minority member regarding properly filed complaints

“(k)(1) The committee shall adopt rules providing that whenever the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, they shall have 45 calendar days or five legislative days, whichever is later, after that determination

(unless the committee by an affirmative vote of a majority of its members votes otherwise) to—

“(A) recommend to the committee that it dispose of the complaint, or any portion thereof, in any manner that does not require action by the House, which may include dismissal of the complaint or resolution of the complaint by a letter to the Member, officer, or employee of the House against whom the complaint is made;

“(B) establish an investigative subcommittee; or

“(C) request that the committee extend the applicable 45-calendar day or five-legislative day period by one additional 45-calendar day period when they determine more time is necessary in order to make a recommendation under subdivision (A).

“(2) The committee shall adopt rules providing that if the chairman and ranking minority member jointly determine that information submitted to the committee meets the requirements of the rules of the committee for what constitutes a complaint, and the complaint is not disposed of within the applicable time periods under subparagraph (1), then they shall establish an investigative subcommittee and forward the complaint, or any portion thereof, to that subcommittee for its consideration. However, if, at any time during those periods, either the chairman or ranking minority member places on the agenda the issue of whether to establish an investiga-

tive subcommittee, then an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee.”.

(3) Paragraphs (p) and (q) are amended to read as follows:

“Due process rights of respondents

“(p) The committee shall adopt rules to provide that—

“(1) not less than 10 calendar days before a scheduled vote by an investigative subcommittee on a statement of alleged violation, the subcommittee shall provide the respondent with a copy of the statement of alleged violation it intends to adopt together with all evidence it intends to use to prove those charges which it intends to adopt, including documentary evidence, witness testimony, memoranda of witness interviews, and physical evidence, unless the subcommittee by an affirmative vote of a majority of its members decides to withhold certain evidence in order to protect a witness; but if such evidence is withheld, the subcommittee shall inform the respondent that evidence is being withheld and of the count to which such evidence relates;

“(2) neither the respondent nor his counsel shall, directly or indirectly, contact the subcommittee or any member thereof during the period of time set forth in paragraph (1) except for the sole purpose of settlement

discussions where counsel for the respondent and the subcommittee are present;

“(3) if, at any time after the issuance of a statement of alleged violation, the committee or any subcommittee thereof determines that it intends to use evidence not provided to a respondent under paragraph (1) to prove the charges contained in the statement of alleged violation (or any amendment thereof), such evidence shall be made immediately available to the respondent, and it may be used in any further proceeding under the rules of the committee;

“(4) evidence provided pursuant to paragraph (1) or (3) shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials obtained pursuant to that paragraph shall be made public until—

“(A) such time as a statement of alleged violation is made public by the committee if the respondent has waived the adjudicatory hearing; or

“(B) the commencement of an adjudicatory hearing if the respondent has not waived an adjudicatory hearing;

but the failure of respondent and his counsel to so agree in writing, and their consequent failure to receive the evidence, shall not preclude the issuance of a statement

of alleged violation at the end of the period referred to in paragraph (1);

“(5) a respondent shall receive written notice whenever—

“(A) the chairman and ranking minority member determine that information the committee has received constitutes a complaint;

“(B) a complaint or allegation is transmitted to an investigative subcommittee;

“(C) an investigative subcommittee votes to authorize its first subpoena or to take testimony under oath, whichever occurs first; or

“(D) an investigative subcommittee votes to expand the scope of its investigation;

“(6) whenever an investigative subcommittee adopts a statement of alleged violation and a respondent enters into an agreement with that subcommittee to settle a complaint on which that statement is based, that agreement, unless the respondent requests otherwise, shall be in writing and signed by the respondent and respondent’s counsel, the chairman and ranking minority member of the subcommittee, and the outside counsel, if any;

“(7) statements or information derived solely from a respondent or his counsel during any settlement discussions between the committee or a subcommittee

thereof and the respondent shall not be included in any report of the subcommittee or the committee or otherwise publicly disclosed without the consent of the respondent; and

“(8) whenever a motion to establish an investigative subcommittee does not prevail, the committee shall promptly send a letter to the respondent informing him of such vote.

“Committee reporting requirements

“(q) The committee shall adopt rules to provide that—

“(1) whenever an investigative subcommittee does not adopt a statement of alleged violation and transmits a report to that effect to the committee, the committee may by an affirmative vote of a majority of its members transmit such report to the House of Representatives;

“(2) whenever an investigative subcommittee adopts a statement of alleged violation, the respondent admits to the violations set forth in such statement, the respondent waives his or her right to an adjudicatory hearing, and the respondent’s waiver is approved by the committee—

“(A) the subcommittee shall prepare a report for transmittal to the committee, a final draft of which shall be provided to the respondent not less

than 15 calendar days before the subcommittee votes on whether to adopt the report;

“(B) the respondent may submit views in writing regarding the final draft to the subcommittee within seven calendar days of receipt of that draft;

“(C) the subcommittee shall transmit a report to the committee regarding the statement of alleged violation together with any views submitted by the respondent pursuant to subdivision (B), and the committee shall make the report together with the respondent’s views available to the public before the commencement of any sanction hearing; and

“(D) the committee shall by an affirmative vote of a majority of its members issue a report and transmit such report to the House of Representatives, together with the respondent’s views previously submitted pursuant to subdivision (B) and any additional views respondent may submit for attachment to the final report; and

“(3) members of the committee shall have not less than 72 hours to review any report transmitted to the committee by an investigative subcommittee before both

the commencement of a sanction hearing and the committee vote on whether to adopt the report.”.

Attest:

Clerk.